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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERTO ARRIAGA VELAZQUEZ,

Defendant.

CASE NO. 2:21-CR-00217-KJM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 29, 2021
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on November 29, 2021.
2. By this stipulation, defendant now moves to continue the status conference until January 10, 2022, and to exclude time between November 29, 2021, and January 10, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes audio recordings, investigative reports and related documents, criminal history documents, and other paper documents totaling approximately 26 pages. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for the government has represented that additional discovery is

1 forthcoming.

2 c) In light of this discovery, and based on counsel's own investigation concerning
3 the defendant's circumstances, counsel for defendant desires additional time to consult with her
4 client, to review the current charges, to conduct investigation and research related to those
5 charges, to obtain additional records related to this matter, to review and copy discovery for this
6 matter, to inspect physical evidence seized and/or otherwise available concerning this matter, to
7 discuss potential resolutions with her client, to consider and/or prepare pretrial motions, and to
8 otherwise prepare for trial.

9 d) Moreover, in addition to the general public-health concerns presented by the
10 evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because
11 counsel have been encouraged to telework and minimize personal contact to the greatest extent
12 possible, and—consistent with that public-health guidance—it will be difficult for defense
13 counsel to fully investigate the facts of this case in advance of the currently scheduled hearing.

14 e) Counsel for defendant believes that failure to grant the above-requested
15 continuance would deny her the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence.

17 f) The government does not object to the continuance.

18 g) Based on the above-stated findings, the ends of justice served by continuing the
19 case as requested outweigh the interest of the public and the defendant in a trial within the
20 original date prescribed by the Speedy Trial Act.

21 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
22 et seq., within which trial must commence, the time period of November 29, 2021 to January 10,
23 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
24 T4] because it results from a continuance granted by the Court at defendant's request on the basis
25 of the Court's finding that the ends of justice served by taking such action outweigh the best
26 interest of the public and the defendant in a speedy trial.

27 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
28 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

1 must commence.

2 IT IS SO STIPULATED.

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4 Dated: November 18, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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6 /s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

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9 Dated: November 18, 2021

/s/ DINA L. SANTOS
DINA L. SANTOS
Counsel for Defendant
ALBERTO ARRIAGA
VELAZQUEZ

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13 **FINDINGS AND ORDER**

14 IT IS SO ORDERED this 22nd day of November 2021.

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CHIEF UNITED STATES DISTRICT JUDGE